SW-8082

Before the FEDERAL COMMUNICATIONS COMMISSION Washington, D. C. 20554

ORIGINAL

ORIGINAL FILE

In re)	MM Docket No.
Amendment of 47 CFR §73.202(b), FM Table of Allotments))	RM-
(Yakima, Washington)	j	RECEIVED
TO: Chief, Policy and Rules Divisi Mass Media Bureau	ion	orp 4 1000

PETITION FOR RULEMAKING

HEIGHAL COMMUNICATIONS COMMISSION FETCE OF THE SECRETARY

KZTA Broadcasting, Inc., licensee of FM Broadcast
Station KZTA-FM, Yakima, Washington (KZTA), by its attorney,
hereby respectfully submits this Petition for Rulemaking
which seeks the following amendment to the FM Table of
Allotments, Section 73.202(b) of the Commission's Rules:

Community	Present	Proposed		
Yakima, Washington	233C1, 252A, 257A 289C1, 297C	233C1, 252A, 259C3 289C1, 297C		

In support whereof, the following is shown:

- 1. KZTA-FM currently operates as a Class A FM facility on Channel 257A, 99.3 MHz. KZTA-FM is the only Spanish language FM facility operating in Yakima, a thriving agricultural city with a substantial Hispanic population.
- 2. In order to improve its service to Yakima and to provide needed Spanish language FM service to agricultural region of the lower Yakima valley, KZTA-FM wishes to upgrade its technical facility to Class C3 status. It can do this by moving over to second adjacent-channel 99.7 MHz, Channel

No. of Copies rec'd_	0+	5
List A B C D E		

259C3. There is attached hereto as Exhibit A an engineering study prepared by consulting radio engineer Oscar Leon Cuellar, P. E., which demonstrates that the operation of KZTA-FM at Elephant Mountain, southeast of Yakima at coordinates 46° 31' 20" N, 120° 19' 59" W, at full class C3 facilities, will be fully spaced to all co- and adjacent-channel FM operations and allocations. Such operation will also afford city-grade coverage (70 dBu or better) to all of the city of Yakima.

- 3. In order to expedite this proposed upgrade, there is attached hereto as Exhibit B a completed Section V-B of FCC Form 301 to provide all technical information for a KZTA-FM Class C3 operation from Elephant Mountain. This is submitted pursuant to the proposed rule changes in MM Docket No. 92-159; see Notice of Proposed Rulemaking, FCC 92-330, 7 FCC Rcd --, released August 4, 1992.
- 4. In the event that the Commission adopts the amendment to the FM Table of Allotments proposed herein, KZTA will promptly construct and place in operation the changes to the technical facilities of KZTA-FM proposed herein, in order to commence Class C3 broadcasting as soon as possible.

WHEREFORE, KZTA Broadcasting, Inc. urges that this Petition for Rulemaking BE GRANTED and that the Commission AMEND the FM Table of Allotments, 47 CFR §73.202(b), TO SUBSTITUTE Channel 259C3 for Channel 257A at Yakima, Washington.

Respectfully submitted,

KZTA BROADCASTING, INC.

Dennis J. Kelly Its Attorney

CORDON AND KELLY Post Office Box 6648 Annapolis, MD 21401

September 1, 1992

EXHIBIT A

7

ORIGINAL

ENGINEERING EXHIBIT

PROPOSED RULE-MAKING TO ASSIGN CHANNEL 259C3 FM TO YAKIMA, WASHINGTON

PREPARED FOR:
KZTA BROADCASTING, INC.
PROPOSED RULE-MAKING
YAKIMA, WASHINGTON

JULY 1992

TABLE OF CONTENTS

EXHIBIT NUMBER	TITLE
E-1	Engineering Statement and Affidavit
E-2	Vertical Sketch
E-3	Topographic Site Map(Scale 1:24,000) showing the proposed antenna site and it's geographic coordinates.
E-4	Profile Graph of a radial over the official center of Yakima showing line-of-sight transmission.
E-5	Official map of the City of Yakima, Washington, supplied by the Applicant.
E-6	Topographic Map(Scale 1:250,000) showing the proposed 3.16 mV/m(70 dBu) contour.

Exhibit No. E-1 Page One July 1992

ENGINEERING STATEMENT

The Applicant, KZTA Broadcasting, Inc., licensee of Radio Station KZTA-FM, FCC File No. BALH-920218EE, operating on Channel 257A, 99.3 MHz, at Yakima, Washington, herein proposes to the FCC the allocation of Channel 259C3, 99.7 MHz, to Yakima through the Table Of Allotments Section 73.202.

To execute this proposal, the FCC has but to delete Channel 257A as assigned to KZTA-FM at Yakima, and in it's place, assign Channel 259C3 to KZTA-FM, remaining at Yakima. No other change whatsoever would be required for this purpose.

The proposed site is located atop Elephant Mountain in Yakima County, 16.3 kilometers from the official center of the City of Yakima on a bearing of 123.15° True. The official coordinates of the center of Yakima were obtained from Special Publication No. 238 of the U.S.D.C. Coast and Geodetic Survey, and are as follows:

North Latitude 46° 36' 09" West Longitude 120° 30' 39"

The geographic coordinates of the proposed site are shown on Exhibit No. E-3 and are as follows:

North Latitude 46° 31' 20" West Longitude 120° 19' 59"

Exhibit No. E-1
Page Two
July 1992

ENGINEERING STATEMENT(Continued)

DISTANCE SEPARATION/SITE ALLOCATION STUDY IN RELATION TO CLOSE PROXIMITY CO-CHANNEL AND ADJACENT CHANNEL STATIONS

CHANNEL NUMBER	CALL	CITY	STATE	SEPARATION REQUIRED	ON km EXTANT
256	No statio	ons within 96 k	cm.	96	96+
257	No statio	ons within 96 k	cm.	96	96+
258A	KXAA	Rock Island	WA	89	95.5
259A	Allocated	d to Chilliwack	c, BC, Canad	da 206	318.9
260	KISW	Seattle	WA	176	176.41
261 .	No statio	ons within 96 k	cm.	96	96+
262C1	KWIQ	Moses Lake	WA	76	105.4

Although Channel 259A is allocated to Chilliwack, British Columbia, Canada, the KZTA site in this Proposed Rule-Making is even further away therefrom than the present KZTA site. As there are no stations within 31 km for consideration of 10.6 or 10.8 MHz from the proposed 99.7 MHz(Channels 205 or 206, respectively), the proposed site complies with all distance separation requirements pertaining to Channel 259C3 as directed in FCC Section 73.207.

The proposed allocation lies within 320 km of the common Canadian border. Regardless, no short-spacing with any existing or proposed allocations in Canada would result. Thus, the proposed allocation of Channel 259C3 to Yakima, Washington, fully complies with the minimum distance separation requirements as directed in Table B of FCC Section 73.307(b)(2).

Exhibit No. E-1
Page Three
July 1992

ENGINEERING STATMENT(Continued)

OTHER COMMUNICATIONS FACILITIES

There are other communications facilities atop Elephant Mountain. The frequencies and the organizations utilizing them were supplied by Mr. Tom Buchholtz, Manager of the Washington State Department of Natural Resources. Mr. Buchholtz has authorized KZTA's use of Elephant Mountain for operation on Channel 259C3. The frequencies are as follows:

ORGANIZATION	RECEIVING FREQ.	TRANSMITTING FREQ.
Sheriff's Department	155.010 460.500 155.730 156.150	155.010 465.500 155.730 156.150
MEDCOM	468.050 468.075 468.175 467.920	463.050 463.075 463.150 462.920
Yakima Detectives	154.740	154.740
Fire Department	153.950	154.385
Public Works	151.055	159.120
COOP Extension	458.250	453.250

Successful coordination has been achieved with the Federal Aviation Administration through telephone conferences. No violation to any FAA Rules or Regulations will occur as a result of this proposed Rule-Making.

Exhibit No. E-1 Page Four July 1992

ENGINEERING STATEMENT (Continued)

OTHER COMMUNICATIONS FACILITIES(Continued)

An Intermodulation Interference(I.I.) study was conducted in the vicinity of the proposed site. The study revealed that no interference would result to any of the extant frequencies listed above from the proposed KZTA operation. An additional I.I. was conduted on the extant frequencies alone. That study indicated that there already exists some interaction to 458.250 and 468.050 by the extant frequencies.

In keeping with FCC Section 73.318(c) and (d), the Permitee "will assume full financial responsibility for remedying new complaints of blanketing interference for a period of one year." "Following the one year period of full financial obligation to satisfy blanketing complaints," the licensee will "provide technical information or assistance to complaints on remedies for blanketing interference." Additionally, there are no dwellings with a radius of 1.4 km from the proposed site.

COVERAGE CONTOUR

Exhibit No. E-6 is based on an analysis of the terrain data(Linearly interpolated 30-second database) and is as follows:

RADIAL BEARING°T	HAAT METERS	ERP kW	70 dBu 50/50 <u>km</u>	
0	110	3.5	14.7	
45	33	3.5	8.1	
90	214	3.5	20.8	

Exhibit No. E-1 Page Five July 1992

ENGINEERING STATEMENT(Continued)

COVERAGE CONTOUR(Continued)

RADIAL BEARING°T	HAAT METERS	ERP kw	70 dBu 50/50 <u>km</u>
135	315	3.5	25.0
180	434	3.5	29.2
225	418	3.5	28.6
270	275	3.5	23.4
*303.28	377	3.5	27.2
315	356	3.5	26.5

^{*}radial over Yakima, Washington

The proposed 3.16 mV/m(70 dBu) contour will fully encompass the City of Yakima(See Exhibit No. E-6), thus, complying with FCC Section 73.315

HUMAN EXPOSURE TO RADIO-FREQUENCY RADIATION

The proposed KZTA operation/Rule-Making as herein stated would fully comply with standards of human exposure to radio-frequency radiation as set forth in OST Bulletin No. 65, dated October 1985, "Evaluating Compliance with FCC Specified Guidelines for Human Exposure to Radio-Frequency Radiation."

ENVIORNMENTAL CONSIDERATIONS

The proposed site is an official antenna farm. Considering that the tower to be utilized is less than 61 meters in height, no enviornmental impact is expected and as such will not necessitate an Enviornmental Impact study.

Exhibit No. E-1
Page Six
July 1992

ENGINEERING STATEMENT(Continued)

The proposed antenna height is shown on Exhibit No. E-2. The Height of the Antenna Radiation Center(HARC) Above Average Terrain(AAT) is 269 meters. The corresponding ERP for this height is 3.5 kW. Upon a grant of the Instant Report/Rule-Making, KZTA will, within 24 hours, file with the FCC the pertinent Section V-B of Fcc Form 301 requesting occupancy of Channel 259C3 with the following facilities:

Site elevation = 668 meters
HARC above ground = 42 meters
Antenna = 3-Bay(CP)
ERP = 3.5 kW
HARC-AAT = 269 meters

These parameters are equivalent to pertinent facilities of 25 kW of ERP at an antenna height above average terrain of 100 meters, thus, giving full complaince to FCC Section 73.211.

Respectfully submitted,

(SEAL)

July 24, 1992

Oscar Leon Cuellar

AFFIDAVIT

State of Colorado)
City of Aurora) ss:
County of Arapahoe)

This FM Engineering Exhibit proposing a Rule-Making to allocate Channel 259C3 to Yakima, Washington, has been prepared by Oscar Leon Cuellar, P.E., Consulting Radio Engineer, at Aurora, Colorado.

I am a registered professional engineer in the states of Arizona and Colorado and my engineering qualifications are a matter of record with the Federal Communications Commission since 1963.

All data and statements contained herein are ture and correct to the best of knowledge and belief.

(SEAL) Oscar Leon Cuellar

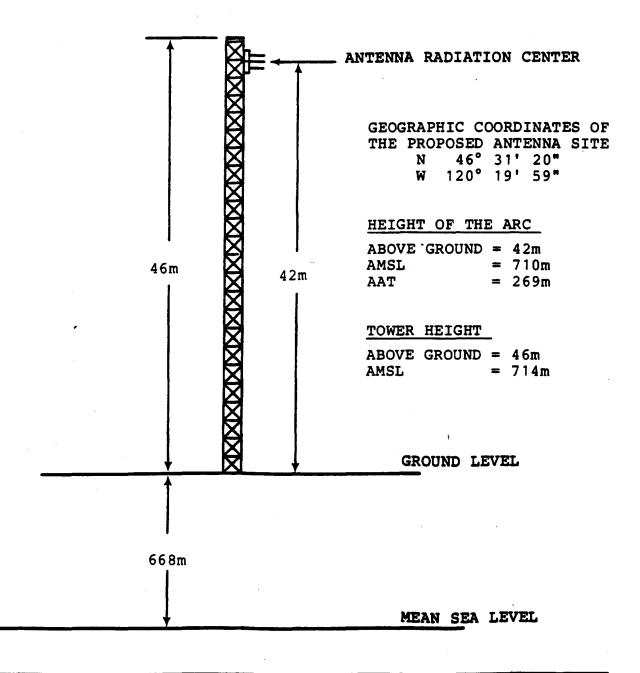
Subscribed and sworn to before me this 24th day of July, 1992, at Aurora, Colorado.

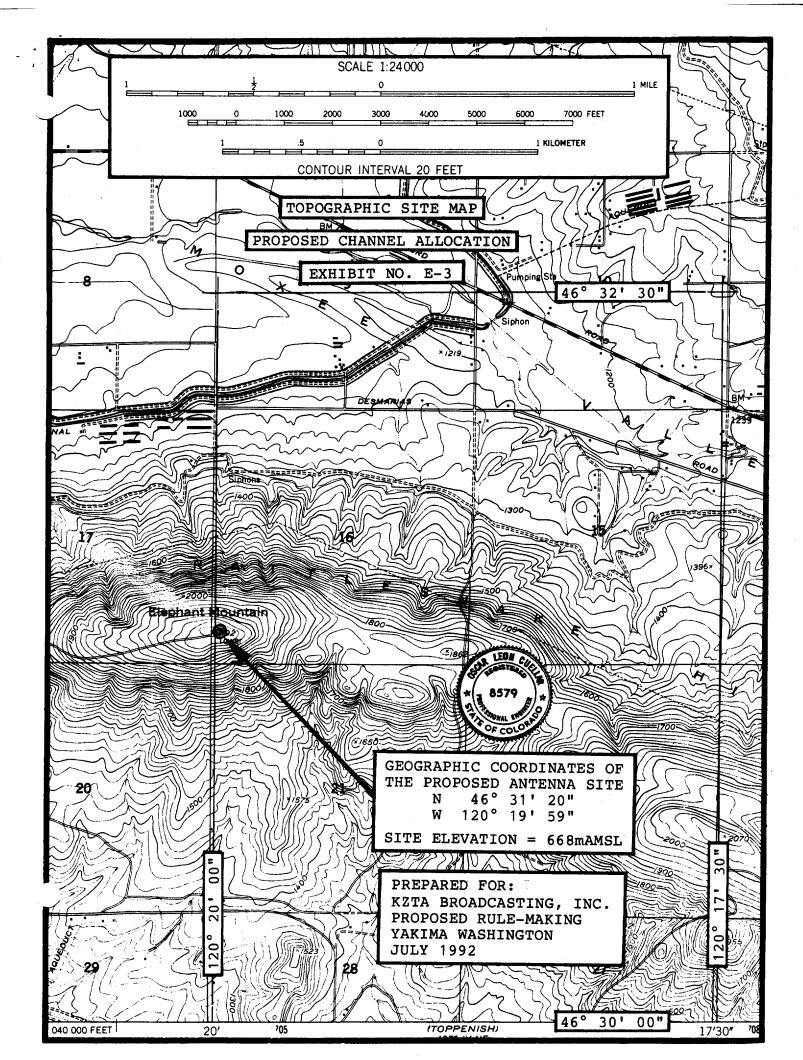
(SEAL) Motary Public

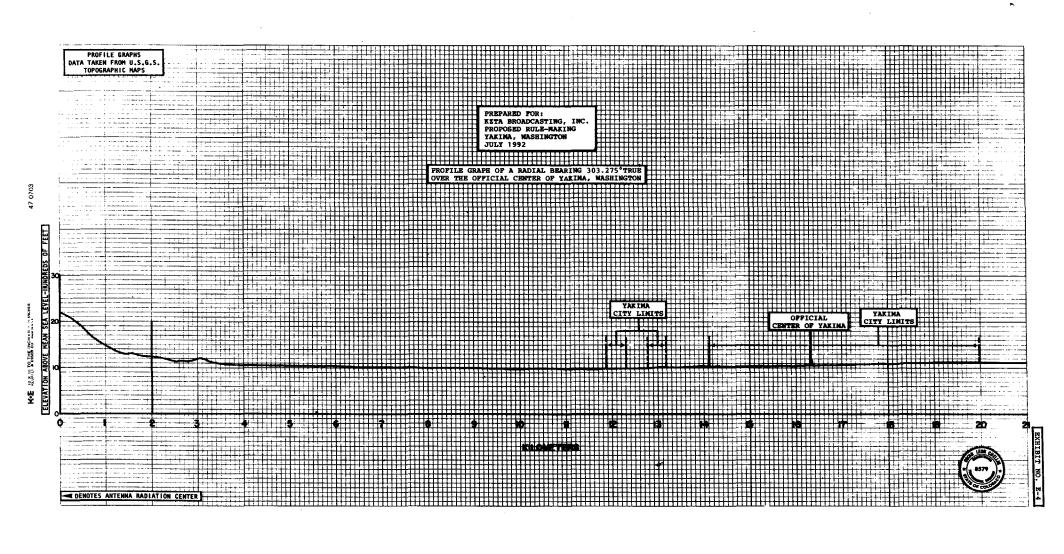
My Commission expires March 14, 1994.

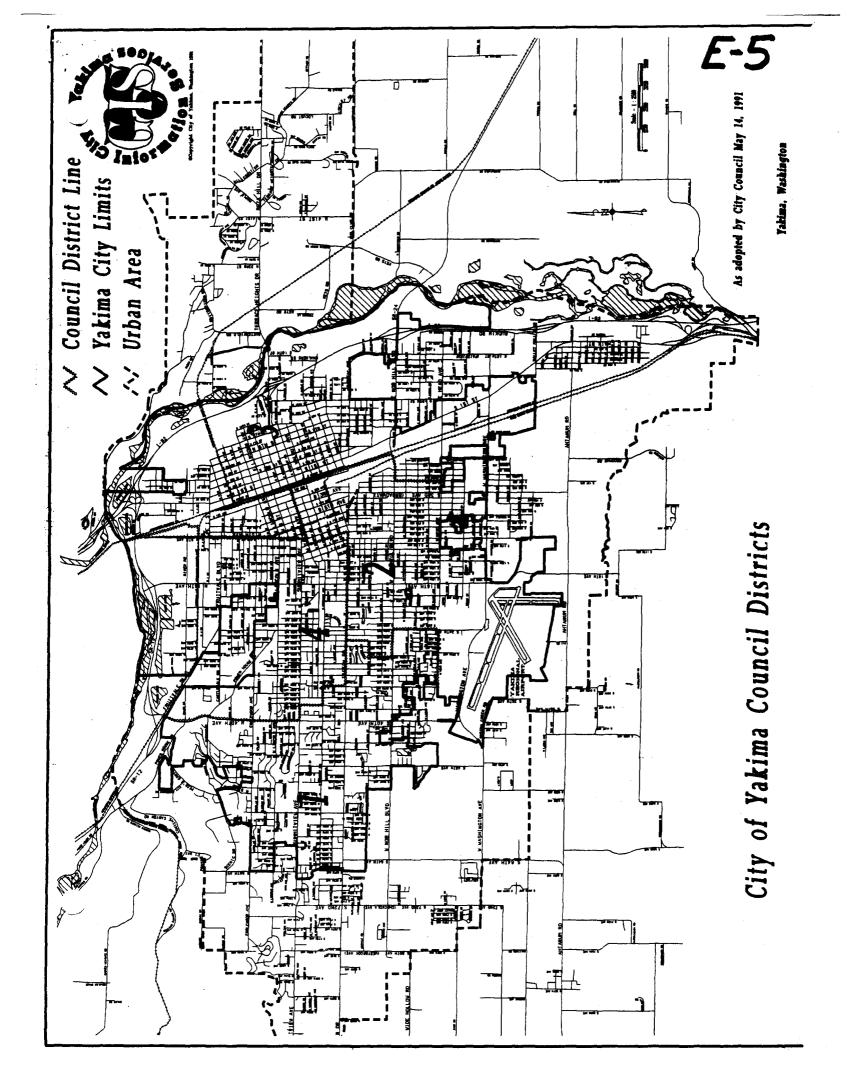
VERTICAL SKETCH

PREPARED FOR KZTA BROADCASTING, INC. PROPOSED RULE-MAKING YAKIMA, WASHINGTON JULY 1992









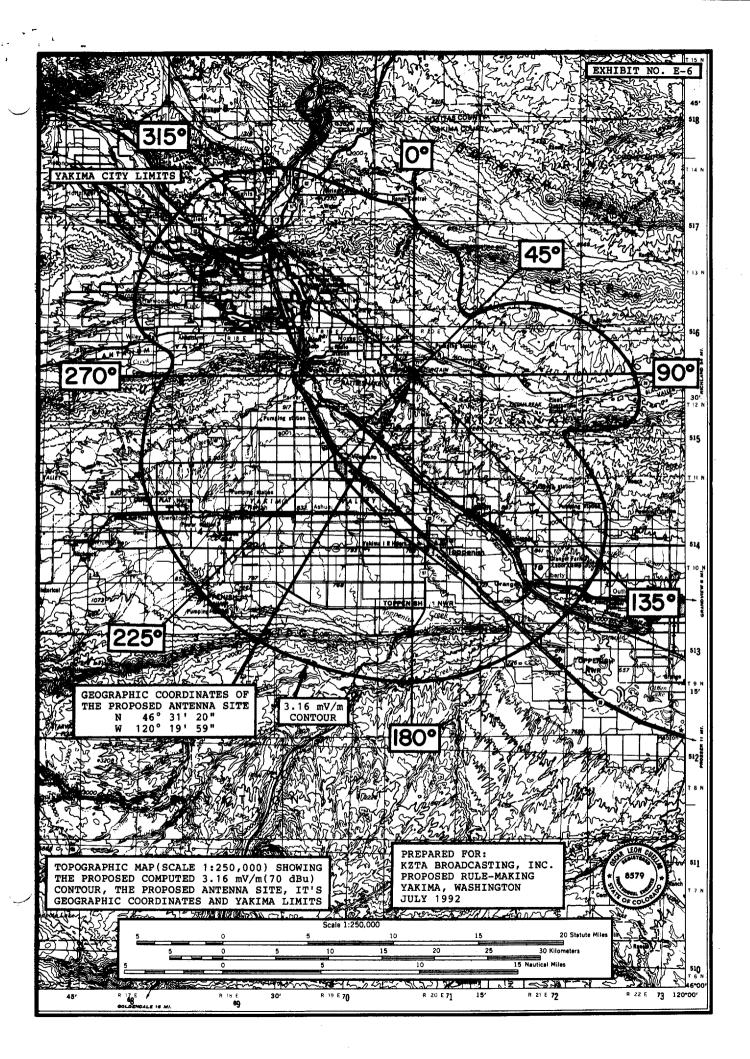


EXHIBIT B

ORIGINAL:

ENGINEERING EXHIBIT

APPLICATION FOR A CONSTRUCTION PERMIT (CP)

PROPOSED KZTA-FM OPERATION
KZTA BROADCASTING, INC.
99.7 MHz, CH. 259C3, 3.5 kW-ERP
YAKIMA, WASHINGTON

JULY 1992

PROPOSED KZTA-FM OPERATION

ENGINEERING EXHIBIT CONSTRUCTION PERMIT (CP)

APPLICANT:

KZTA Broadcasting, Inc.

STATION:

FM Commercial

LOCATION:

Yakima, Washington

COUNTY:

Yakima

CHANNEL:

259C3

FREQUENCY:

99.7 MHz

POWER-ERP:

3.5 kW

POLARIZATION:

Circular

ANTENNA:

3 Bay Circular

ANTENNA GAIN:

1.5

NULL FILL-IN:

None

BEAM TILT:

None

SIGNAL:

Stereophonic

OPERATION:

Unlimited

ANTENNA INPUT POWER:

2.34 kW

SITE ELEVATION:

668m

HARC-AG:

42m

HARC-AMSL:

710m

HARC-AAT:

269m

GEOGRAPHIC COORDINATES:

N

46°

31'

20"

120°

19' 59"

DATE:

July 1992

PROPOSED KZTA-FM OPERATION KZTA BROADCASTING, INC. 99.7 MHz, CH. 259C3, 3.5 kW-ERP YAKIMA, WASHINGTON JULY 1992

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Section V-B of FCC Form 301 and FAA Form 7460-1

Exhibit	
Number	<u>Title</u>
E-1	Engineering statement and affidavit.
E-2	Vertical sketch.
E-3	Full scale reproduction of a portion of a topographic map (scale 1:24,000) showing the proposed antenna site and its geographic coordinates.
E-3A	U.S.G.S. 7.5 minute series topographic map, <u>Elephant Mountain</u> , <u>Washington</u> , (scale 1:24,000) showing the proposed antenna site.
E-4	Reproduced official map of the City of Yakima, Washington (original supplied by the Applicant).
E-5	Topographic map (scale 1:250,000) showing the proposed antenna site and 3.16 mV/m (70 dBu) contour in relation to the City of Yakima.
E-6	Sectional aeronautical chart (scale 1:500,000) showing the proposed 1 mV/m (60 dBu) contour and the proposed antenna site.
E-7	Profile graph showing line-of-sight transmission over the official center of the City of Yakima, Washington.
E-8	Analysis of Human Exposure to Radio Frequency Radiation.

					FOR COMMIS	SION USE ONLY	
			0.WEED.W0 DA		File No.		
Section	V-B - FM BR	OADCAST EN	GINEERING DA	NIA	ASB Referral	Date	
\ \	·				Referred by		
Name of Appl			.a				
	KZTA BE	ROADCASTIN	IG, INC.				
Call letters (if	issuedi		Is this applic	cation bei	ng filed in resp	oonse to a	Yes X No
KZ	ΓA		If Yes, specif	fy closing	date:		
Purpose of Ap	oplication: (check	appropriate box	(es))			M	
Const	ruct a new (mai	n) facility		Co:	nstruct a new a	auxiliary facility	
Modif facilit	y existing cons	ruction permi	t for main		dify existing c	onstruction permi	t for auxiliary
X Modif	y licensed main	facility		Мо	dify licensed a	uxiliary facility	
f purpose is t affected.	o modify, indica	ate below the	nature of chang	e(s) and s	pecify the file	number(s) of the	authorizations
Anten	na supporting-s	tructure heigh	ıt	X Eff	ective radiated	power	
X Anten	na height abov	e average terr	ain	X Fre	quency		
X Anten	na location			X Cla	.98		
Main S	Studio location			Oth	ler (Summarize br	·iefly]	
File Numbe	BALH-92	0218EE			·		
. Allocation:					<u> </u>		
. Allocation:						Close Johnst and	
Channel No.		Principal c	community to be	served:		Class (check on)	· — ==
259	City YAKIMA		County YAKI	MA	State WA		31
	<u> </u>			· · · · · · · · · · · · · · · · · · ·		LJ ** LJ *	, <u> </u>
			_	-		relative to the rof Yakima of	
			True, ato				
						ray, specify coord ude where applica	
North Latite	ide or West Loi	ngitude will be	presumed.				
Latitude	0	•	,,				
	46	31	20	Longitude	120	19	59
Is the suppor		he same as the	at of another sta	ation(s) or	proposed in an	nother pending	Yes X No
If Yes, give	call letter(s) or	file number(s)	or both.	····	NA		
10	Amana Amar		· ·				
				ructure, sp	becify existing	height above gro	und level including
antenna, all	other appurten	ances, and ligh	hting, if any.	An ant	enna site	change is	proposed.

	0	1	*	1		0	ī	,,
Latitude	-			Longitude	· · · · · · · · · · · · · · · · · · ·	_		<u></u>
	en notified of the te and office whe if available.	re notice was	filed and a				Exh	Yes libit No.
Date July	30, 1992	Office wh	ere file <u>d</u>	NWMR Offi	ce, Se	attle, WA	<u> </u>	
i List all landing nearest runwa	areas within 8 k	m of antenna	site. Specif	y distance an	d bearing	from structur	re to neares	st point o
	y. Landing Area		Dis	tance (km)		Beari	ng (degrees	True)
(a) <u>N</u>	NONE		······································					
(b)								
a) Elevation: /te	the nearest meter?							
(1) of site ab	ove mean sea leve	el;					668	_ meters
	p of supporting st ances, and lighting		ground (in	ncluding anter	na, all ot	her	46	_ meters
(3) of the to	p of supporting st	ructure above	mean sea	level [(a)(1) +	(a)(2)]		714	meters
b) Height of rad	lation center: /te	the nearest met	er) H = H	orizontal; V -	Vertical			
(1) above gro	ound						42	meters
						_	42	meters
(2) above me	san sea level [(a	(1) + (b(1)]				******	710	meters
							710	meters
(3) above ave	erage terrain						269	meters
							269	meters
in Question 7 ab	aibit sketch(es) of bove, except item 7 and orientations	(b)(3). If moun	ted on an	AM directions	l-array e	lement,	Exhi E-	bit No.
ffective Radiate								
(a) ERP in the h	orizontal plane		3.5	kw (H*)	3.5	_ kw (V*)		
" ` Is beam tilt r	proposed?					_		es X N
is beam tilt p								

SECTION V-B - FM BROADCAST ENGINEERING DATA (Page 3)

a directional antenna proposed?	Yes X No
If Yes, attach as an Exhibit a statement with all data specified in 47 C.F.R. Section 78.816, including plot(s) and tabulations of the relative field.	Exhibit No.
ii. Will the proposed facility satisfy the requirements of 47 C.F.R. Sections 78.815(a) and (b)?	X Yes No
If No, attach as an Exhibit a request for waiver and justification therefor, including amounts and percentages of population and area that will not receive 3.16 mV/m service.	Exhibit No.
12. Will the main studio be within the protected 8.16 mV/m field strength contour of this proposal?	X Yes No
If No, attach as an Exhibit justification pursuant to 47 C.F.R. Section 73.1125.	Exhibit No.
13. (a) Does the proposed facility satisfy the requirements of 47 C.F.R. Section 73.207?	X Yes No
(b) If the answer to (a) is No, does 47 C.F.R. Section 73.213 apply?	Yes No
(c) If the answer to (b) is Yes, attach as an Exhibit a justification, including a summary of previous waivers.	Exhibit No.
(d) If the answer to (a) is No and the answer to (b) is No, attach as an Exhibit a statement describing the short spacing(s) and how it or they arose.	Exhibit No.
(e) If authorization pursuant to 47 C.F.R. Section 78.215 is requested, attach as an Exhibit a complete engineering study to establish the lack of prohibited overlap of contours involving affected stations. The engineering study must include the following:	Exhibit No.
 Protected and interfering contours, in all directions (360), for the proposed operation. Protected and interfering contours, over pertinent arcs, of all short-spaced assignments, applications and allotments, including a plot showing each transmitter location, with identifying call letters or file numbers, and indication of whether facility is operating or proposed. For vacant allotments, use the reference coordinates as the transmitter location. 	
(3) When necessary to show more detail, an additional allocation study utilizing a map with a larger scale to clearly show prohibited overlap will not occur.	
(4) A scale of kilometers and properly labeled longitude and latitude lines, shown across the entire exhibit(s). Sufficient lines should be shown so that the location of the sites may be verified.	
(5) The official title(s) of the map(s) used in the exhibits(s).	
4. Are there: (a) within 60 meters of the proposed antenna, any proposed or authorized FM or TV transmitters, or any nonbroadcast <i>lexcept citizens band or emeteur!</i> radio stations, or (b) within the blanketing contour, any established commercial or government receiving stations, cable head-end facilities, or populated areas, or (c) within ten (10) kilometers of the proposed antenna, any proposed or authorized FM or TV transmitters which may produce receiver-induced intermodulation interference?	X Yes No
Yes, attach as an Exhibit a description of any expected, undesired effects of operations and remedial steps to be pursued if necessary, and a statement accepting full responsibility for the elimination of any objectionable interference (including that caused by receiver-induced or other types of modulation) to facilities in existence or authorized or to radio receivers in use	Exhibit No.

prior to grant of this application. (See 47 C.F.R. Sections 73.315(b), 73.316(e) and 73.318.)